

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

FUNCTION MEDIA, L.L.C.,	§	CIVIL NO. 2:07-CV-279 (CE)
	§	
Plaintiff,	§	
	§	
v.	§	
	§	JURY TRIAL DEMANDED
GOOGLE, INC. and YAHOO!, INC.,	§	
	§	
Defendants.	§	
	§	

**JOINT NOTICE REGARDING POTENTIAL PRIVILEGE DISPUTES**

The parties notify the Court regarding potential privilege disputes in order to comply with Dkt. No. 69.

Defendant Google Inc. (“Google”) has notified Plaintiff Function Media, L.L.C. (“Function Media”) regarding a potential privilege dispute as to Function Media’s reliance on certain redacted materials from its patent attorney Henry Croskell, which Function Media apparently intends to rely upon to prove its alleged prior invention of one of its asserted patents. Google is filing this Notice with the Court to advise the Court of this potential privilege dispute but the parties intend to further confer in an effort to resolve this potential dispute without Court intervention. If the issue cannot be resolved, Google will file an appropriate motion with the Court at a later date.

Defendant Yahoo, Inc. (“Yahoo”) has raised no disputes regarding Function Media’s privilege claims.

Function Media has raised no disputes regarding Google’s or Yahoo’s privilege claims.

Signed: December 1, 2008

By: /s/ Jason W. Wolff  
Juanita R. Brooks – Lead Attorney  
(CA SBN 75934)  
E-mail: brooks@fr.com  
Jason W. Wolff  
(CA SBN 215819)  
E-mail: wolff@fr.com  
Fish & Richardson P.C.  
12390 El Camino Real  
San Diego, CA 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

**ATTORNEYS FOR DEFENDANT  
GOOGLE INC.**

By: /s/ Douglas E. Lumish (by permission)  
Douglas E. Lumish – Lead Attorney  
(CA SBN 183863)  
(Admitted pro hac vice)  
E-mail: doug.lumish@weil.com  
Matthew D. Powers  
(CA SBN 104795)  
E-mail: matthew.powers@weil.com  
Jeffrey G. Homrig  
(CA SBN 215890)  
E-mail: jeffrey.homrig@weil.com  
WEIL, GOTSHAL & MANGES LLP  
Silicon Valley Office  
201 Redwood Shores Parkway  
Redwood Shores, CA 94065  
Telephone: (650) 802-3000  
Facsimile: (650) 802-3100

**ATTORNEYS FOR DEFENDANT  
YAHOO!, INC.**

By: /s/ Jeremy J. Brandon (by permission)  
Max I. Tribble – Lead Attorney  
(SBN 20213950)  
E-mail: mtribble@susmangodfrey.com  
Joseph S. Grinstein  
(SBN 24002188)  
E-mail: jgrinstein@susmangodfrey.com  
Susman Godfrey LLP  
1000 Louisiana, Ste. 5100  
Houston, TX 77002  
Telephone: (713) 651-9366  
Facsimile: (713) 654-6666

Jeremy J. Brandon  
(SBN 24040563)  
Susman Godfrey LLP  
901 Main Street, Ste. 5100  
Dallas, TX 75202  
Telephone: (214) 754-1900  
Facsimile: (214) 754-1933

**ATTORNEYS FOR PLAINTIFF  
FUNCTION MEDIA, L.L.C.**

**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 1st day of December, 2008, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Jason W. Wolff

Jason W. Wolff